

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**ICHOS, LLC,**

**Plaintiff,**

**vs.**

**ADT SECURITY SERVICES, INC.,**

**Defendant.**

**Civil Action No. 6:11-cv-75**

**JURY TRIAL DEMANDED**

**PLAINTIFF’S COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Ichos, LLC (“Ichos”) for its complaint for patent infringement against Defendant ADT Security Services, Inc. (“ADT”) alleges as follows:

**THE PARTIES**

1. Ichos is a Limited Liability Corporation, organized and existing under the laws of the State of Delaware, having a principal place of business at 1069 Thomas Jefferson Street, NW, Washington, DC 20007.

2. Upon information and belief, ADT is a corporation organized and existing under the laws of the State of Delaware, having a principal place of business at One Town Center Road, Boca Raton, FL 33431. ADT may be served through its registered agent, CT Corporation System, at 350 N. St. Paul Street, Dallas, TX 75201.

**JURISDICTION AND VENUE**

3. This action arises under the United States Patent Laws, codified at 35 U.S.C. §§ 1, *et seq.*, including §§ 271 and 281.

4. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. This Court may exercise personal jurisdiction over ADT because ADT has minimum contacts with this forum as a result of business regularly conducted within the State of Texas and this judicial district.

6. Venue is proper in the Eastern District of Texas pursuant to 28 U.S.C. §§1391(b), (c) and 1400(b) because ADT resides in this judicial district, or has committed acts of infringement and has a regular and established place of business in this judicial district.

### **PATENT INFRINGEMENT**

7. On January 29, 2008, United States Patent No. 7,323,980 (“the ‘980 patent”), entitled “Security System and Method with Realtime Imagery” was duly and lawfully issued by the USPTO to Inventors James Otis Faulkner and Richard Marvel Blake. A true and correct copy of the ‘980 patent is attached to this Complaint as Exhibit A and incorporated herein by reference. On or about September 11, 2009, the Inventors assigned all right, title and interest in and to the ‘980 patent to Ichos by duly executing an assignment document subsequently recorded in the USPTO on March 12, 2010.

8. ADT has and continues to commit acts of infringement in violation of 35 U.S.C. § 271(a) by making, using, offering for sale, and/or selling Security Systems within the United States, or importing Security Systems into the United States, that infringe one or more claims of the ‘980 patent. On information and belief, an example of such an infringing Security System is described in an ADT publication entitled “ADT Video Surveillance Solutions,” a copy of which is attached to this Complaint as Exhibit B and incorporated herein by reference.

9. On information and belief, ADT has and continues to induce infringement of the '980 patent in violation of 35 U.S.C. § 271(b) by inducing others to make, use, sell, and/or offer to sell Security Systems that are covered by one or more claims of the '980 patent.

10. On information and belief, ADT has and continues to commit acts of contributory infringement of the '980 patent in violation of 35 U.S.C. § 271(c) by selling and/or offering to sell non-staple components that others subsequently assemble into Security Systems that are covered by one or more claims of the '980 patent.

11. ADT had actual and/or constructive notice of the '980 patent, but continued the aforementioned acts of infringement willfully.

12. ADT's willful infringement of the '980 patent makes this case exceptional pursuant to 35 U.S.C. § 285.

13. ADT has caused and will continue to cause Plaintiff substantial damage and irreparable injury by virtue of its past and continuing infringement of the '980 patent. Plaintiff will suffer further damage and irreparable injury unless and until ADT is enjoined by this Court from continuing such infringement.

#### **JURY DEMAND**

14. Pursuant to Federal Rule of Civil Procedure 38, Ichos demands a trial by jury.

#### **PRAYER**

WHEREFORE, Plaintiff Ichos, LLC prays that Defendant ADT Security Services, Inc. be cited to appear and answer herein, and that Ichos be granted the following relief:

- a. Judgment that ADT has infringed, induced others to infringe, and committed acts of contributory infringement with respect to one or more claims of the '980 patent;
- b. Judgment that ADT's patent infringement has been, and continues to be, willful;

c. A permanent injunction enjoining ADT, its officers, agents, servants, employees, and those persons in active concert or participation with ADT, from making, using, offering for sale, selling, or importing any device or product that is found to infringe the '980 patent, and/or committing acts that induce others to infringe or contribute to others infringement of the '980 patent;

d. Damages adequate to compensate for ADT's patent infringement, but in no event less than a reasonable royalty for ADT's practicing of the inventions claimed in the '980 patent, together with interest and costs under 35 U.S.C. § 284;

e. Trebling the aforesaid damages due to ADT's willful infringement, pursuant to 35 U.S.C. § 284;

f. Pre-judgment and post-judgment interest on the damages assessed;

g. Declaring this case exceptional pursuant to 35 U.S.C. § 285, and awarding Ichos its reasonable attorneys' fees and expenses; and

h. Such other and further relief, both at law and in equity, to which Ichos may be entitled.

Dated: February 16, 2011

Respectfully submitted,

**LOEWINSOHN FLEGLE DEARY, LLP**

By: /s/ David R. Deary

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